The Salt Lake Tribune
LOCAL
TUESDAY, April 20, 1993 B1

Police Probing Cause of Small Riot Near BYU

SPECIAL TO THE TRIBUNE

PROVO — Provo police are investigating the cause of a "small riot" involving 50 to 60 people at a fast-food restaurant near the entrance to Brigham Young University early Saturday morning.

"We're not sure if it started as a gang fight or not," said police Capt. Duane Fraser.

The fighting broke out at 1:57 a.m. in the parking lot of Hardee's at 1150 N. University Ave.

Capt. Fraser said police arrested three people for rioting and failing to disperse.

He said police have not located the two people who started the fight.

"There was a ring of 50 or 60 people hemming the fighters in and keeping police out," he said.

Arrested were two 19-year-old men and a 16-year-old male juvenile.

All are in custody pending arraignment.

None of those involved in the brawl was injured.

Buffalo, Strip Mall to Roam Antelope Island?

By Tom Wharton
THE SALT LAKE TRIBUNE

ANTELOPE ISLAND — Fleet-footed antelope, stately buffalo and singing birds will greet visitors to Antelope Island when a portion of the 27,000-acre state park opens July 1.

But future tourists also may encounter visitors centers, lodges, restaurants, a small strip mall, historical markers and hiking trails.

The Utah Division of Parks and Recreation is struggling to balance visitors' needs with protection of the island. More than 1 million visitors are expected to visit the island annually.

"You have to wonder how many folks you can let in there without destroying the experience and degrading the environment," said Terry Green, chief planner for the parks agency. "Frankly, we don't know the answer yet."

Using $1.3 million in state and federal funds, the agency anticipates having running water, restrooms, picnic tables and a temporary campground available when the park opens this summer. A marina on the northeast corner of the island will probably be ready by fall.

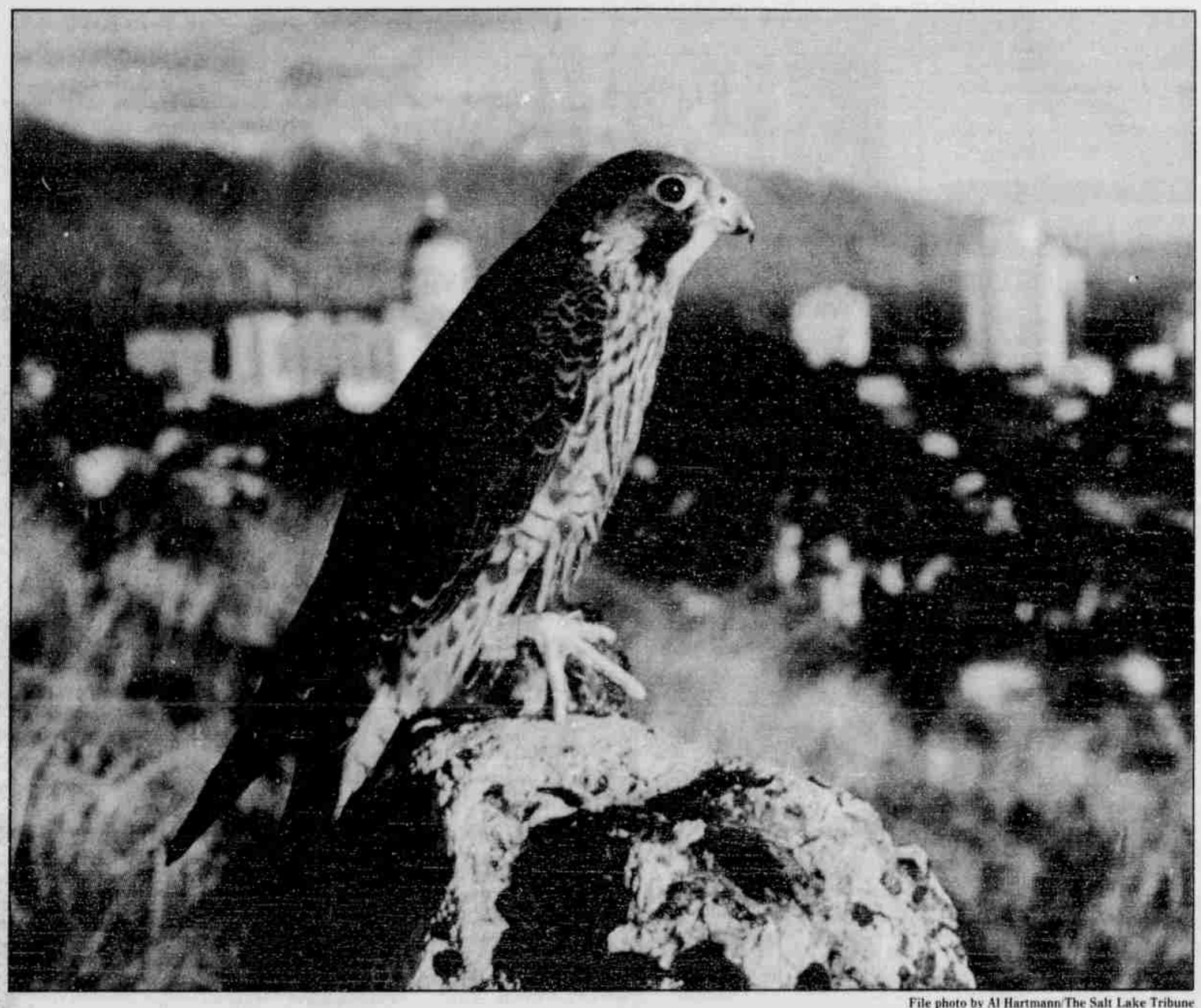
In 1981, the state purchased the 25,000 acres it did not own. Because it used federal land and conservation funds, commercial development is prohibited on that part of the island. It may take as long as two to five years to develop public access to those areas.

But Utah has owned the northern 2,000 acres of the park since 1969. That is the portion that will open this summer and the only place where commercial development can occur.

Environmentalists are wondering why the island

■ See B-2, Column 4

CAUSEWAY
Possible site of visitor center, lodges, restaurants and strip mall purchased by the state in 1969 for original park site.
Antelope Is.
GREAT SALT LAKE



File photo by Al Hartmann/The Salt Lake Tribune

Peregrine falcon, not one of nesting pair, perches above Victory Road near quarry where eggs have been laid since 1991.

Penny, Perry Peregrine Caught Between Rock, Hard Place Again

By Jim Woolf
THE SALT LAKE TRIBUNE

Salt Lake City's peregrine falcons may join the ranks of the homeless — again.

The owner of a rock quarry near the state Capitol where the birds have nested since 1991 wants to resume blasting later this summer. That would destroy a narrow crack in the quarry's vertical limestone wall where the falcons lay their eggs.

The quarry owner and federal biologists are discussing a plan to develop alternative nest sites for the birds on nearby cliffs, but there are no guarantees the birds will use one. "Obviously, we don't understand all the factors which make a good cliff," said Robert Benton, U.S. Fish and Wildlife Service.

The falcons, nicknamed Penny and Perry Peregrine, are back in the quarry and appear to be sitting on eggs again. No work will begin until the nesting season is completed.

An endangered species, the falcons moved to the quarry after being evicted from the old Hotel Utah by renovation work that started in 1990. They nested successfully on the hotel for five years.

The falcons have caused a "serious economic loss," said Steven E. Clyde, attorney representing quarry owner Allan W. Flandro. "He is terribly frustrated. He lost all of last year's construction season and probably will lose this year's, too."

Mr. Clyde said a successful relocation plan would offer the birds a secure home while allowing the quarry to operate.

Bob Walters, a biologist for the Utah Division of Wildlife Resources, has monitored the falcons since their arrival in Salt Lake City. He fears the birds will leave the area if their nest in the quarry is destroyed.

"It's safe to say I'm displeased with the decision to kick them out. How else is one supposed to feel?" He noted a final decision will be made by federal experts who administer the endangered species program.

"The beauty of this thing has been having a pair of birds in a location where we've been able to watch them closely, to see why they have been revered for their flying abilities," said Mr. Walters. Peregrines can reach speeds of 200 mph in a dive.

Judge: Don't Compare Utah Trial to Rodney King Case

Hopi-Navajo Motorist Says Trooper Beat Him Before Arrest in 1989

By Ted Cilwick
and Michael Phillips
THE SALT LAKE TRIBUNE

A Hopi-Navajo motorist was beaten into unconsciousness by a Utah Highway Patrol trooper who arrested him for drunken driving, his lawyer told a federal jury in Salt Lake City Monday.

But the trial of the $56,500 police brutality lawsuit brought by Donald Sequaptewa of Kearns began with a strong admonition from the judge to resist comparisons to the Rodney King episode in Los Angeles.

U.S. District Judge Aldon Anderson said he will not tolerate allusions to the videotaped King beating that resulted in two officers' felony convictions Saturday.

"What's important is that this case be decided not by the media or the Los Angeles case," the judge told the jury.

Mr. Sequaptewa, 35, an aluminum-factory worker, contends he was beaten by Trooper John Jones on Dec. 17, 1989, after the officer pulled him over on I-215 near 1500 West in Salt Lake County.

Mr. Jones is the former president of the Utah Highway Patrol Association.

A second trooper, Jeff Shaw, is a defendant in the suit because he assisted in bringing Mr. Sequaptewa into the Salt Lake County Jail.

Both troopers deny brutality accusations. When the civil-rights suit was filed last year, Utah Highway Patrol officials said the troopers did nothing wrong.

Mr. Sequaptewa later pleaded guilty to speeding and reckless driving. However, disorderly conduct, drunken driving and assault-on-an-officer charges were dismissed.

The plaintiff says he sustained bumps on his head, shoulder and groin injuries and severe wrist damage from tight handcuffs.

Dan Larson, an assistant Utah attorney general defending the troopers, told the jury Monday: "The reason you are here is because Mr. Sequaptewa wants money . . . from these two officers for doing their job. . . . If he did have a blackout, it wasn't from being hit on the head. It was from being drunk."

A critical question in the scheduled three-day trial will be why Trooper Jones moved his squad car several hundred feet down the road, where the alleged beating occurred.

Mr. Larson contended the troopers planned to take Mr. Sequaptewa to the South Salt Lake Police Department for a breath test to determine blood-alcohol content. But, he was forced to pull over when the suspect became rowdy because of the impoundment of his vehicle.

The plaintiff's attorney Brian Barnard argued that Mr. Jones wanted to get away from another officer to beat up Mr. Sequaptewa.

Mr. Larson said the scuffle began when Mr. Jones tried to handcuff the man and met resistance. Both men ended up on the ground, he said.

Mr. Barnard claimed Mr. Sequaptewa was beaten unnecessarily. He said Trooper Jones "became belligerent, aggressive and tried to pick a fight" after a dispatcher radioed that the suspect had been arrested years ago for assaulting a police officer.

Artist Says Failure to See Larger Picture Caused UVCC Flap Over 'FAT' Sculpture

By Lili Wright
THE SALT LAKE TRIBUNE

OREM — The whole flap started with a sculpture named "FAT."

Robert Butler displayed his androgynous figure — covered with graffiti slurs such as "oinker" and "pig" — at Utah Valley Community College's student art show.

It was a statement about the artist's 15-year battle against obesity and his struggle to come to terms with being sexually abused as a child.

"I am still living with those scars," says the 30-year-old student.

But the bulbous plaster work was widely misunderstood, he said. Some students believed vandals had defaced a benign statue with epithets. Others thought it mocked pregnant women and that its creator was a misogynist.

Pro- and anti-"FAT" letters appeared in the weekly school paper. Some students were so offended they wanted the round figure removed.

Then Dave Olsen devised a way to preserve an "inoffensive environment" on the Orem campus. The psychology major proposed a bill to student government to establish a three-person, "nonbiased" committee to weed out offensive works and segregate them in a separate room.

"I am not taking away his rights but exercising the rights of other students," says Mr. Olsen.

The student government agreed. It passed the bill 5-4, with the student president casting the deciding vote.

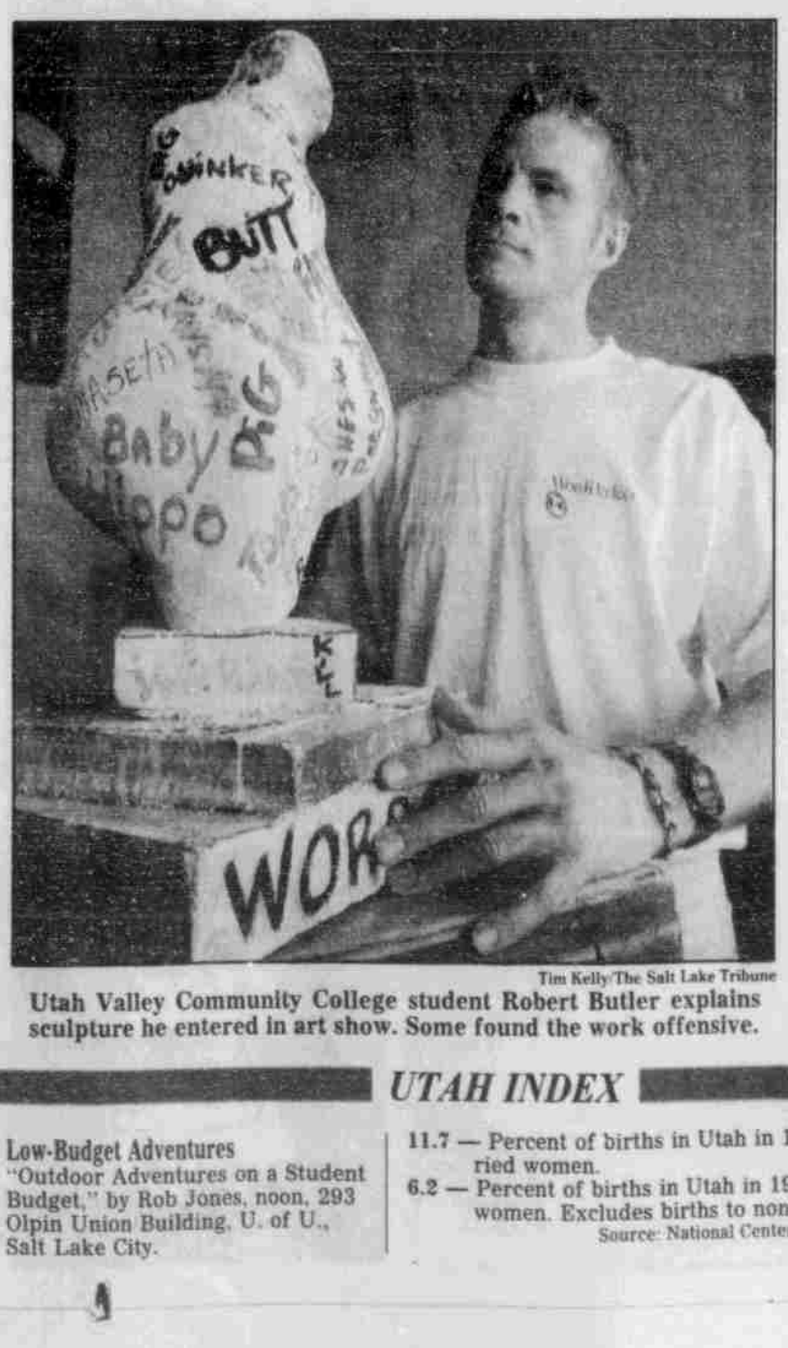
But student president Paul VonStrahl concedes he was "kind of torn" by the vote, and soon after, he vetoed the bill and substituted his own. His proposal advocates having one non-art student represent the campus on the existing art committee.

The young politician thinks this will appease all sides. And while the show is over, the debate must go on.

"I made the decision this issue cannot die," he says. "We do need students to be part of this group."

As for the reluctant cause celebre, Mr. Butler says he is not interested in fame and is baffled by all the fuss.

"There was not [any word] on there that isn't on prime-time TV," he says.



Tim Kelly/The Salt Lake Tribune

Utah Valley Community College student Robert Butler explains sculpture he entered in art show. Some found the work offensive.

Supreme Court to Settle Dispute Over Ute Reservation Boundaries

By Chris Jorgensen
THE SALT LAKE TRIBUNE

VERNAL — The arrest of Robert Hagen on charges of selling marijuana could quadruple the size of the Uintah and Ouray Ute Reservation in eastern Utah.

The U.S. Supreme Court agreed Monday to settle the jurisdictional dispute, which has been bogged down by conflicting rulings from the Utah Supreme Court and the 10th U.S. Circuit Court of Appeals.

The question centers on whether more than 3 million acres in Duchesne County are "Indian country."

If the 2,000-member Ute Tribe prevails, more than 12,000 non-Indians in cities such as Roosevelt and Duchesne would be under tribal jurisdiction. That means non-Indians would be subject to tribal laws ranging from taxation to hunting rights.

"The biggest gripe of [non-Indian] residents is that it would impose a layer of government in which they have absolutely no say," said Asst. Utah Atty. Gen. Michael Quealy.

"Usually, if people don't like their government, they can throw the rascals out," he added. "But here they'll be subject to a government in which they can't vote."

Mr. Hagen, an Indian, was charged by Duchesne County officials in 1987 with selling marijuana from his Myton home. He pleaded guilty, but he later appealed on the grounds his home fell within the 1861 Ute Reservation boundaries.

The case was appealed to the Utah Supreme Court, which ruled Myton was outside "Indian country" after Congress reduced the size of the reservation in 1902.

That decision, however, contradicted an earlier 10th Circuit Court ruling in which the 1861 reservation boundaries were upheld. In that case, the court ruled the state had no authority over crimes committed by Indians within the original reservation.

Since then, any Indian arrested by Duchesne police has been turned over to Indian officials for prosecution.

Non-Indians in Duchesne County have mixed feelings about the land dispute.

La Point farmer Clinton Harrison fears Indians will raise property and sales taxes if given control. "I'm not looking forward to a confrontation," he said.

Marlene McClure, also of La Point, is married to a mixed-blood Ute. She hopes that with more Ute control, non-Indians could gain access to Indian services such as hospitals.

If the Utes win, the biggest concern for Duchesne County Attorney Herb Gillespie is having non-Indians ordered into tribal courts.

Tribal officials say they are not interested in getting rich off increased taxes or controlling non-Indians. They only want to hang on to the land that was restored in the 10th Circuit Court decision.

Salt Lake Tribune Vernal correspondent Steven Wallis and The Associated Press contributed

TODAY

McDougall Lecture Series
"Separating Church and State: A Debate," 7:30 p.m., Cathedral of the Madeleine, 331 E. South Temple, Salt Lake City, free.

4-H Leadership for Teens
Introduction-leadership training meeting, 7:30 p.m., South Jordan Library, 10300 S. Beckstead Lane, South Jordan.

Low-Budget Adventures
"Outdoor Adventures on a Student Budget," by Rob Jones, noon, 293 Olpin Union Building, U. of U., Salt Lake City.

UTAH INDEX

11.7 — Percent of births in Utah in 1988 to unmarried women.
6.2 — Percent of births in Utah in 1980 to unmarried women. Excludes births to nonresidents.
Source: National Center for Health Statistics.

LAST WORD

impinge — *(im-PINJ)* v. to make an impression; have an effect or impact.
The responsibilites of her new job impinged upon her social life.

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